

MINUTES
REGULAR MEETING OF THE KENTUCKY BOARD OF CHIROPRACTIC
Thursday, August 23, 2018
209 South Green Street
Glasgow, KY

PRESENT: Jeff Smith, D.C., President
Chad Henderson, D.C., Vice-President
Kelly Cooper Henson, D.C., Secretary
James England, D.C., Member
Eric Davis, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Henderson, seconded by Dr. England and passed 5-0 to approve the minutes of the June 1, 2018 board meeting.

ITEM II: FINANCIAL REPORTS

A motion was made by Dr. Davis, seconded by Dr. Henderson and passed 5-0 to approve the financial reports for May, June and July 2018.

ITEM III: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to renew the contract for investigative services. A second motion was made by Dr. Davis, seconded by Dr. England and passed 5-0 to send Dr. Henderson, the board's delegate, to the FCLB District II meeting October 11-14, 2018. After review of a request from the Department of Medicaid Services to add language concerning the new electronic KY Medicaid Provider Enrollment System to the board's website, a motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0.

**ITEM IV: CAMPBELLSVILLE UNIVERSITY TO ADDRESS BOARD
RE: STATUTORY AND REGULATORY AMENDMENTS**

Three individuals representing Campbellsville University were present to address the board concerning the development of a chiropractic degree program. These individuals were University President Michael Carter, Dr. Donna Hedgepath, Provost and Vice President of Academic Affairs, and Dr. Dennis Short, D.C., a Kentucky licensed chiropractor who has been consulting with the university. Dr. Hedgepath addressed the board concerning the new model of education which has been proposed, their steps taken thus far with the Council on Chiropractic Education and other accrediting bodies, and the necessary statutory changes. The full board was in agreement with the proposed statutory changes, which only included language changes to KRS 312.018. A motion was made by Dr. Henderson, seconded by Dr. England and passed 5-0 to table discussion of further statutory and regulatory changes until the end of the agenda.

ITEM V: MOTION TO AMEND THE AGENDA

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to amend the agenda to discuss administrative cases 18-001 and 18-002 since the attorney and his clients were in attendance. Attorney Fox DeMoisey addressed the board and answered questions regarding the administrative cases. Drs. Dammel and Boudreaux were also in attendance and took part in the discussion.

ITEM VI: MOTION FOR CLOSED SESSION

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to go into closed session to discuss administrative cases 18-001 and 18-002 pursuant to KRS 61.810 (1)(j).

ITEM VII: MOTION FOR OPEN SESSION

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to go into open session. A second motion was made by Dr. Henderson, seconded by Dr. Davis and passed 5-0 to dismiss both cases with a verbal admonishment related to record keeping.

ITEM VIII: MOTION TO RESUME AGENDA

A motion was made by Dr. Davis, seconded by Dr. England and passed 5-0 to resume the agenda.

ITEM IX: MOTION FOR CLOSED SESSION

A motion was made by Dr. Davis, seconded by Dr. Henderson and passed 5-0 to go into closed session to discuss administrative cases 14-027, 15-037/17-024, 16-005, 16-018, 18-007, 18-008, 18-010, 18-012, 18-014, 18-015, 18-016, 18-017, 18-018, and 18-019 pursuant to KRS 61.810 (1)(j).

ITEM X: MOTION FOR OPEN SESSION

A motion was made by Dr. Henderson, seconded by Dr. Henson and passed 5-0 to go into open session. A second motion was made by Dr. England, seconded by Dr. Davis and passed 5-0 to accept the recommendations made for the following administrative cases: 14-027 is continued; 15-037/17-024 the agreed order terms shall be accepted and the case closed; 16-005 the case is continued pending a date set for an Administrative Hearing; 16-018 the Administrative Hearing will be held on September 20, 2018; 18-007 is continued; 18-008 an agreed order shall be offered which if accepted shall close the case; 18-010 a Notice of Hearing and Administrative Complaint shall be filed since no response has been received regarding settlement of this case; 18-012 shall be dismissed; 18-014 the licensee shall receive a notice of dismissal of the complaint, but the case shall remain open for the following meeting to review patient records from the complainant; 18-015 shall be dismissed; 18-016 an agreed order shall be offered which if accepted shall close the case; 18-017 an agreed order shall be offered which if accepted shall close the case; 18-018 no action required and the case shall be closed; 18-019 is continued.

**ITEM XI: CONSIDER CORRESPONDENCE FROM DONALD MILLER, D.C.
RE: AGREED ORDER TERMS**

The Board reviewed correspondence from Dr. Miller concerning his agreed order terms. A motion was made by Dr. Henderson, seconded by Dr. Davis and passed 5-0 to extend the terms of Dr. Miller's agreed order as requested.

ITEM XII: CONSIDER CORRESPONDENCE FROM PAUL TRAN, D.C.
RE: AGREED ORDER TERMS

The Board reviewed correspondence from Dr. Tran concerning his agreed order terms. A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to approve a January 15, 2019 start date for fine payments for Dr. Tran.

ITEM XIII: CONSIDER REQUEST FROM R. GADDIS, D.C.
RE: REVOCATION OF PROBATION

The Board reviewed correspondence from Dr. Gaddis requesting that his probation be revoked. A motion was made by Dr. Davis, seconded by Dr. Henson and passed 5-0 to deny his request.

ITEM XIV: CONSIDER CORRESPONDENCE FROM R. SAPORITO, D.C.
RE: CHIROCREDIT.COM COURSES

The Board reviewed questions from Dr. Saporito concerning approval of continuing education course topics. A motion was made by Dr. England, seconded by Dr. Davis and passed 5-0 to request that information concerning the course content and hours of the course be submitted for Board review.

ITEM XV: REVIEW DOCUMENTS FROM QUINONES, D.C.

The Board reviewed correspondence received by Dr. Quinones concerning what he felt was a questionable marketing practice. A motion was made by Dr. England, seconded by Dr. Davis and passed 5-0 to respond that pursuant to 201 KAR 21:015 (6)(c) the licensee is responsible for the content used by their marketers and that he may also want to consider additional state laws in this situation.

ITEM XVI: SET BOARD MEETING DATE

The Board set a meeting for January 25, 2019.

ITEM XVII: CONSIDER REGULATION AMENDMENTS

The Board reviewed information concerning the amendment of several administrative regulations and statutes. Upon review, a motion was made to file amendments to 201 KAR 21:015, 21:041, and 21:045 by the September 15, 2018 deadline. If there are concerns from the Legislative Research Commission on any of the amendments, or changes to the board's intent for the amendments, they shall not be filed, but rather discussed at the board's next meeting.

ITEM XVIII: TRAVEL AND PER DIEM

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XIX: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Davis, seconded by Dr. England and passed 5-0, the meeting was adjourned.

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Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.
Executive Director

Jeffery T. Smith, D.C.
President